

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

CONNIE YUAN, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

HOMETRUST MORTGAGE CO.,

Defendant.

CASE NO.: 1:22-CV-01355-DAE

CLASS ACTION

**DECLARATION OF  
SCOTT M. FENWICK OF KROLL  
SETTLEMENT ADMINISTRATION LLC  
IN CONNECTION WITH FINAL  
APPROVAL OF SETTLEMENT**

Date: November 17, 2023

Time: 9:00AM

The Hon. David A. Ezra

I, Scott M. Fenwick, declare as follows:

### **INTRODUCTION**

1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”),<sup>1</sup> the Settlement Administrator<sup>2</sup> appointed in the above-captioned case, whose principal office is located at 2000 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age and am authorized to make this declaration on behalf of Kroll and myself. The following statements are based on my personal knowledge and information provided by other experienced Kroll employees working under my general supervision. This declaration is being filed in connection with final approval of the Settlement.

2. Kroll has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities fraud, labor and employment, consumer, and government enforcement matters. Kroll has provided notification and/or claims administration services in more than 3,000 cases.

### **BACKGROUND**

3. Kroll was appointed as the Settlement Administrator to provide notification and claims administration services in connection with that certain Stipulation and Agreement of Class Action Settlement (the “Settlement Agreement”) entered into in connection with the above-captioned case. Kroll’s duties in connection with the Settlement have and will include: (a) preparing and sending notices in connection with the Class Action Fairness Act; (b) receiving and analyzing the Settlement Class Members contact list (the “Class List”) from Defendant’s counsel; (c) creating a Settlement Website with online claim filing capabilities; (d) establishing a toll-free telephone number; (e) establishing a post office box for the receipt of mail; (f) preparing and sending the Summary Notice via first-class mail; (g) preparing and sending the Summary

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement (as defined below).

<sup>2</sup> The Settlement Agreement and Preliminary Approval Order appoint “Kroll” as the Settlement Administrator. Kroll Settlement Administration LLC is the full legal name of the Settlement Administrator in this case.

Notice via email; (h) receiving and processing mail from the United States Postal Service (“USPS”) with forwarding addresses; (i) receiving and processing undeliverable mail, without a forwarding address, from the USPS; (j) receiving and processing claim forms; (k) receiving and processing opt outs; and (l) such other tasks as counsel for the Parties or the Court request Kroll to perform.

### **NOTICE PROGRAM**

#### **The CAFA Mailing**

4. As noted above, on behalf of the Defendant, Kroll provided notice of the proposed Settlement pursuant to the Class Action Fairness Act, 28 U.S.C. §1715(b) (“the CAFA Notice”). At Defendant’s counsel’s direction, on June 5, 2023, Kroll sent the CAFA Notice, a true and correct copy of which is attached hereto as **Exhibit A**, including the required documents, via first-class certified mail to (a) the Attorney General of the United States and (b) thirty-seven (37) state Attorneys General identified in the service list for the CAFA Notice, attached hereto as **Exhibit B**. The CAFA Notice directed the Attorneys General to the website [www.CAFANotice.com](http://www.CAFANotice.com), a site that contains all the documents relating to the Settlement referenced in the CAFA Notice.

#### **Data and Case Setup**

5. On June 6, 2023, Kroll received one (1) data file from the Defendant consisting of the Class List, which contained 17,306 names, physical addresses, and email addresses. Following a review for duplicates, Kroll identified 17,303 unique records based on names and physical addresses. Of the 17,303 unique records, Kroll notified the Defendant of eleven (11) records which were missing both physical addresses and email addresses. On July 6, 2023, Defendant provided the missing mailing addresses and email address for nine (9) records. The remaining two (2) records for which an address was not located could not be sent Notice. Additionally, in an effort to ensure that Summary Notices would be deliverable to Settlement Class Members, Kroll ran the Class List through the USPS’s National Change of Address (“NCOA”) database and updated the Class List with address changes received from the NCOA. Following all steps as set forth above,

Kroll identified 17,301 unique records. Of those records, 17,290 had a physical mailing address and eleven (11) had an email address only.

6. On July 3, 2023, Kroll established a toll-free telephone number, (833) 747-4090, for Settlement Class Members to call and obtain additional information regarding the Settlement through an Interactive Voice Response (“IVR”) system and by being connected to a live operator. As of November 1, 2023, the IVR system has received sixty-five (65) calls, and five (5) callers have been connected to a live operator.

7. On July 5, 2023, Kroll designated a post office box with the mailing address *Yuan v. Hometrust Mortgage Co.*, c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150-5324, in order to receive requests for exclusion, claim forms, and correspondence from Settlement Class Members.

8. On July 10, 2023, Kroll created a dedicated Settlement Website entitled [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com). The Settlement Website “went live” on July 28, 2023, and contains details of the Settlement, frequently asked questions, contact information for the Settlement Administrator, and copies of the Long-Form Notice, Settlement Agreement, Preliminary Approval order, “Reimbursement Form,” “Cash Payment Form,” and allowed Settlement Class Members an opportunity to file a claim form online.

### **The Notice Program**

9. On July 28, 2023, Kroll caused 17,290 Summary Notices to be mailed via first-class mail. A true and correct copy of the mailed Summary Notice, along with the Long-Form Notice and claim forms, are attached hereto as **Exhibits C, D, and E**, respectively.

10. On July 28, 2023, Kroll caused the Summary Notice to be sent to the eleven (11) email addresses on file for Settlement Class Members as noted above. A true and correct copy of a complete exemplar email Summary Notice (including the subject line) is attached hereto as **Exhibit F**. Of the eleven (11) emails attempted for delivery, no emails were rejected/bounced back as undeliverable.

### **NOTICE PROGRAM REACH**

11. As of November 1, 2023, 125 Summary Notices were returned by the USPS with a forwarding address. All 125 Summary Notices were automatically re-mailed to the updated addresses provided by the USPS. Kroll received one (1) additional physical Summary Notice returned with a forwarding address and re-mailed the Summary Notice to the physical address provided by the USPS.

12. As of November 1, 2023, 871 Summary Notices were returned by the USPS as undeliverable as addressed, without a forwarding address. Kroll ran 830 undeliverable records through an advanced address search.<sup>3</sup> The advanced address search produced 708 updated addresses. Kroll has re-mailed Summary Notices to the 708 updated addresses obtained from the advanced address search. Of the 708 re-mailed Summary Notices, thirty-nine (39) have been returned as undeliverable a second time.

13. Based on the foregoing, following all Summary Notice re-mailings, Kroll has reason to believe that Summary Notice likely reached 17,099 of the 17,301 persons to whom Summary Notice was email and mailed, which equates to a reach rate of the direct mail notice of approximately 99%. This reach rate is consistent with other court-approved, best-practicable notice programs and Federal Judicial Center Guidelines, which state that a notice plan that reaches<sup>4</sup> over 70% of targeted class members is considered a high percentage and the “norm” of a notice campaign.<sup>5</sup>

### **CLAIM ACTIVITY**

14. As of October 27, 2023, Kroll has received ninety-three (93) claim forms through the mail and 243 claim forms filed electronically through the Settlement Website.

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<sup>3</sup> The remaining forty-one (41) undeliverable Notices were received after the initial advanced address search was run and therefore those records were not included in the initial search.

<sup>4</sup> FED. JUD. CTR., *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide* (2010), available at <https://www.fjc.gov/sites/default/files/2012/NotCheck.pdf>. The guide suggests that the minimum threshold for adequate notice is 70%.

<sup>5</sup> Barbara Rothstein and Thomas Willging, *Federal Judicial Center Managing Class Action Litigation: A Pocket Guide for Judges*, at 27 (3d Ed. 2010).

15. To prevent claim forms from being filed by individuals outside the Settlement Class and to curtail fraud, Settlement Class Members were provided a unique “Class Member ID” on their respective notices. The Class Member ID is required for Settlement Class Members to file a claim form online.

16. As of November 1, 2023, a total of 336 claims have been filed. Of the 336 claims filed, 228 Claimants have requested credit monitoring, ten (10) have requested reimbursement for Economic Losses, forty-two (42) have requested reimbursement for Attested Time, and 260 have requested Cash Payment. Claimants had the option to select credit monitoring along with the options of either a Cash Payment or reimbursement for Economic Losses and/or Attested Time.

17. Kroll has completed the validation process for the 336 claims filed. As of November 1, 2023, Kroll has determined that 246 of the claims filed are approved and the remaining ninety (90) are deficient.

18. On September 28, 2023, Kroll caused a deficiency letter to be mailed to all Claimants whose claims have been deemed deficient. The deadline to cure a deficiency was October 12, 2023. A true and correct copy of the deficiency letter is attached hereto as **Exhibit G**. As of November 1, 2023, Kroll has received seven (7) deficiency cure responses, out of which none have been deemed valid to cure their respective deficiency.

19. Following is a summary of the 246 approved claims filed:

- *Cash Payment*: 217 Claimants requested a \$50 cash payment, representing an estimated total of \$10,850.
- *Attested Time*: Twenty-seven (27) Claimants requested reimbursement for Attested Time for an aggregate total of 213 hours, representing an estimated total of \$8,520. Claimants had the option to be reimbursed for up to ten (10) hours of Attested Time, at a value of \$40 per hour, with a maximum allowable payment of \$400.
- *Credit Monitoring*: 205 Claimants requested 60-month of credit monitoring with an estimated \$597 retail value per Claimant. The estimated aggregate value of this benefit is \$122,385.
- There were no approved claims for reimbursement for Economic Losses.
- On average, each Claimant who claimed cash benefits is estimated to receive an average cash reimbursement amount of \$79.39. The average estimated benefit to all Claimants (regardless of the type of relief they claimed) is \$673.21.

20. The deadline for submitting claim forms was September 11, 2023. As of November 1, 2023, Kroll has received thirteen (13) late claim forms. Ten (10) of the late claims are from individuals not in the Settlement Class and have been rejected. The other three (3) late claims are from individuals in the Settlement Class and have been accepted as approved by counsel for the Parties, and are included in summary of approved claims set forth above.

### **EXCLUSIONS AND OBJECTIONS**

21. The deadline for submitting an objection or opt-out request was September 11, 2023.

22. Kroll has received one (1) timely exclusion request from the Settlement. A list of the exclusions received is attached hereto as **Exhibit H**. Settlement Class Members were not instructed to submit their objection to the Settlement Administrator, and none have been received by Kroll.

### **COSTS OF NOTICE PROGRAM**

23. As of November 1, 2023, Kroll has billed \$48,192.11 in Administrative Costs for this matter. Kroll estimates that it will bill an additional \$19,359.89 to complete the administration of this Settlement. The current estimate is subject to change depending on factors such as the number of claims remaining to be reviewed, number of claims filed, and/or any Settlement administration scope change not currently under consideration. This estimate is based on Kroll's many years of experience administering class action settlements.

### **CERTIFICATION**

I declare under penalty of perjury under the laws of the United States that the above is true and correct to the best of my knowledge and that this declaration was executed on November 2, 2023, in Inver Grove Heights, Minnesota.

  
SCOTT M. FENWICK

# Exhibit A



Page 1 of 2

VIA U.S. MAIL

Date: June 5, 2023

To: All “Appropriate” Federal and State Officials Per 28 U.S.C. § 1715  
(*see attached distribution list*)

Re: CAFA Notice for the proposed Settlement in *Yuan v. Hometrust Mortgage Company*, 1:22-cv-01355-DII, pending in the United States District Court for the Western District of Texas

Pursuant to Section 3 of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715, Defendant Hometrust Mortgage Company (“Defendant” or “Hometrust”) hereby notifies you of the proposed settlement of the above-captioned action (the “Action”), currently pending in the United States District Court for the Western District of Texas Austin Division (the “Court”).

Eight items must be provided to you in connection with any proposed class action settlement pursuant to 28 U.S.C. § 1715(b). Each of these items is addressed below, and all exhibits are available for download at [www.CAFANotice.com](http://www.CAFANotice.com) under the folder entitled *Yuan v. Hometrust Mortgage Co.*:

1. 28 U.S.C. § 1715(b)(1) – a copy of the complaint and any materials filed with the complaint and any amended complaints.

The Class Action Complaint is available as **Exhibit A**.

2. 28 U.S.C. § 1715(b)(2) – notice of any scheduled judicial hearing in the class action.

On May 26, 2023, Plaintiff filed a motion for preliminary approval of the class action settlement, and the date of the preliminary approval hearing has not yet been set. The Court has not yet scheduled the Final Approval Hearing for this matter. The proposed Preliminary Approval Order is available as **Exhibit B**.

3. 28 U.S.C. § 1715(b)(3) – any proposed or final notification to class members.

Copies of the proposed Summary Notice, Long Form Notice, and Claim Forms will be provided to Class Members and will be available on the website created for the administration of this matter. These are available as **Exhibits C, D, and E**, respectively. The notices describe, among other things, the claim submission process and the Class Members’ rights to object or exclude themselves from the Class.

4. 28 U.S.C. § 1715(b)(4) – any proposed or final class action settlement.

The Settlement Agreement is available as **Exhibit F**.

5. 28 U.S.C. § 1715(b)(5) – any settlement or other agreement contemporaneously made between class counsel and counsel for defendants.

There are no other settlements or other agreements between Class Counsel and counsel for Defendant beyond what is set forth in the Settlement Agreement.

6. 28 U.S.C. § 1715(b)(6) – any final judgment or notice of dismissal.

The Court has not yet entered a final judgment or notice of dismissal. Accordingly, no such document is presently available.

7. 28 U.S.C. § 1715(b)(7) – (A) If feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official; or (B) if the provision of the information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.

Hometrust, to the best of its ability, identified a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement. That information is set forth on **Exhibit G** to this Notice.

8. 28 U.S.C. § 1715(b)(8) – any written judicial opinion relating to the materials described in 28 U.S.C. § 1715(b) subparagraphs (3) through (6).

There has been no written judicial opinion. Accordingly, no such document is presently available.

If you have any questions about this notice, the Action, or the materials available for download at [www.CAFANotice.com](http://www.CAFANotice.com) under the folder entitled *Yuan v. Hometrust Mortgage Co.*, please contact the undersigned below.

Respectfully submitted,

Andrea Dudinsky  
Senior Manager  
[andrea.dudinsky@kroll.com](mailto:andrea.dudinsky@kroll.com)

# Exhibit B

## CAFA NOTICE SERVICE LIST

### **U.S. Attorney General**

Merrick B. Garland  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

### **Alabama Attorney General**

Steve Marshall  
501 Washington Ave.  
P.O. Box 300152  
Montgomery, AL 36130

### **Alaska Attorney General**

Treg Taylor  
1031 W. 4th Avenue, Suite 200  
Anchorage, AK 99501

### **Arizona Attorney General**

Kris Mayes  
2005 N Central Ave  
Phoenix, AZ 85004

### **Arkansas Attorney General**

Tim Griffin  
323 Center St., Suite 200  
Little Rock, AR 72201

### **California Attorney General**

Rob Bonta  
1300 I St., Ste. 1740  
Sacramento, CA 95814

### **Colorado Attorney General**

Phil Weiser  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 10th Floor  
Denver, CO 80203

### **Connecticut Attorney General**

William Tong  
165 Capitol Avenue  
Hartford, CT 06106

### **District of Columbia Attorney General**

Brian Schwalb  
400 6th Street NW  
Washington, D.C. 20001

### **Florida Attorney General**

Ashley Moody  
Office of the Attorney General  
The Capitol, PL-01  
Tallahassee, FL 32399

### **Georgia Attorney General**

Chris Carr  
40 Capitol Square, SW  
Atlanta, GA 30334

### **Hawaii Attorney General**

Anne Lopez  
425 Queen St.  
Honolulu, HI 96813

**Illinois Attorney General**

Kwame Raoul  
James R. Thompson Ctr.  
100 W. Randolph St.  
Chicago, IL 60601

**Kansas Attorney General**

Kris Kobach  
120 S.W. 10th Ave., 2nd Fl.  
Topeka, KS 66612

**Louisiana Attorney General**

Jeff Landry  
P.O. Box 94095  
Baton Rouge, LA 70804

**Maryland Attorney General**

Anthony Brown  
200 St. Paul Place  
Baltimore, MD 21202

**Michigan Attorney General**

Dana Nessel  
P.O. Box 30212  
525 W. Ottawa St.  
Lansing, MI 48909

**Minnesota Attorney General**

Keith Ellison  
75 Dr. Martin Luther King, Jr. Blvd.  
Suite 102, State Capital  
St. Paul, MN 55155

**Mississippi Attorney General**

Lynn Fitch  
Department of Justice, P.O. Box  
220 Jackson, MS 39205

**Missouri Attorney General**

Andrew Bailey  
Supreme Ct. Bldg., 207 W. High St.  
P.O. Box 899  
Jefferson City, MO 65102

**Nebraska Attorney General**

Mike Hilgers  
2115 State Capitol  
P.O. Box 98920  
Lincoln, NE 68509

**New Hampshire Attorney General**

John Formella  
33 Capitol St.  
Concord, NH 03301

**New Jersey Attorney General**

Matthew J. Platkin  
Richard J. Hughes Justice Complex  
25 Market Street, 8th Floor  
P.O. Box 080  
Trenton, NJ 08625

**New Mexico Attorney General**

Raul Torrez  
P.O. Drawer 1508  
Santa Fe, NM 87504

**New York Attorney General**

Letitia A. James  
Department of Law  
The Capitol, 2nd Floor  
Albany, NY 12224

**North Carolina Attorney General**

Josh Stein  
Department of Justice  
P.O. Box 629  
Raleigh, NC 27602

**Ohio Attorney General**

Dave Yost  
State Office Tower  
30 E. Broad St., 14th Floor  
Columbus, OH 43215

**Oklahoma Attorney General**

Gentner Drummond  
313 NE 21st Street  
Oklahoma City, OK 73105

**Oregon Attorney General**

Ellen F. Rosenblum  
Oregon Department of Justice  
1162 Court St., NE  
Salem, OR 97301

**Pennsylvania Attorney General**

Michelle Henry  
Pennsylvania Office of Attorney General  
16th Floor, Strawberry Square  
Harrisburg, PA 17120

**South Carolina Attorney General**

Alan Wilson  
Rembert C. Dennis Office Bldg.  
P.O. Box 11549  
Columbia, SC 29211

**South Dakota Attorney General**

Marty Jackley  
1302 East Highway 14, Suite 1  
Pierre, SD 57501

**Tennessee Attorney General**

Jonathan Skrmetti  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37243

**Texas Attorney General**

Ken Paxton  
Capitol Station  
P.O. Box 12548  
Austin, TX 78711

**Utah Attorney General**

Sean Reyes  
State Capitol, Rm. 236  
Salt Lake City, UT 84114

**Virginia Attorney General**

Jason Miyares  
202 North Ninth Street  
Richmond, VA 23219

**Washington Attorney General**

Bob Ferguson  
1125 Washington St. SE  
P.O. Box 40100  
Olympia, WA 98504

Kroll Settlement Administration  
2000 Market Street, Suite 2700  
Philadelphia, PA 19103

[www.kroll.com/business-services](http://www.kroll.com/business-services)

# Exhibit C



~~Yuan v. Hometrust Mortgage~~  
c/o Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324

FIRST CLASS MAIL  
U.S. POSTAGE PAID  
CITY, ST  
PERMIT NO. XXXX

**ELECTRONIC SERVICE REQUESTED**

**You are a person who may have  
been impacted by an Incident in the  
United States affecting Hometrust  
Mortgage that occurred in or  
around July of 2022**

***A FEDERAL COURT AUTHORIZED  
THIS NOTICE. THIS IS NOT A  
SOLICITATION FROM A LAWYER.***

<<Refnum Barcode>>

Class Member ID: <<Refnum>>

**Postal Service: Please do not mark or cover barcode**

<<FirstName>> <<LastName>>

<<BusinessName>>

<<Address>>

<<Address2>>

<<City>>, <<ST>> <<Zip>>-<<zip4>>

**Why did I get this Notice?** A class action Stipulation and Agreement ("Settlement Agreement") has been reached in a lawsuit entitled *Yuan v. Hometrust Mortgage, Co.*, Civil Action No. 1:22-cv-01355 in the United States District Court for the Western District of Texas. The lawsuit alleges that as the result of a cyberattack by an unauthorized third party to certain computer systems of Hometrust Mortgage ("Hometrust"), personal information, including names, Social Security numbers, dates of birth, or individual tax information and other information may have been compromised in or around July of 2022 (the "Incident"). Hometrust maintains that it has meritorious defenses, and it was prepared to vigorously defend the lawsuit but encourages all persons who qualify as members of the Settlement Class to participate in the Settlement.

**Who Is Included?** Hometrust records indicate you are included in the Settlement as a Settlement Class Member because your information may have been involved in the Incident.

### **What are the Settlement Benefits?**

- All Settlement Class Members shall have the option to sign-up for a year of free credit monitoring and identity restoration services. All Settlement Class Members who submit a valid and timely Claim Form are eligible to receive one year (1) of credit monitoring provided by Equifax, regardless of any prior credit monitoring enrollment.
- Any Settlement Class Member may submit a Claim for reimbursement for documented Economic Losses related to the Incident that have not been reimbursed by other third parties. Economic Losses shall be deemed fairly traceable to the Data Breach if (i) the alleged wrongdoing occurred in or around July of 2022 or thereafter, (ii) the Settlement Class Member executes a statement signed under penalty of perjury indicating that the Economic Losses claimed are fairly traceable to the Incident, (iii) the alleged wrongdoing involved misuse of the type of personal information inadvertently disclosed in the Incident (i.e., name, address, Social Security number, date of birth), and (iv) the Settlement Administrator determines by a preponderance of evidence that it is fairly traceable to the Incident.
- Any Settlement Class Member may submit a Claim for reimbursement of Attested Time up to ten (10) hours at forty dollars (\$40) per hour, for a maximum of \$400 per individual. Settlement Class Members can receive reimbursement for Attested Time with a brief description of the actions taken in response to the Data Security Incident and the time associated with each action.

- In the alternative to a Claim for Economic Losses or Attested Time, any Settlement Class Member may elect to receive a settlement payment in cash of \$50.

**How Do I Receive Settlement Benefits?** To receive the settlement benefits, Settlement Class Members must submit a Claim Form to the Settlement Administrator by September 11, 2023. The forms are available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com), by calling (833) 747-4090, or by writing to the Settlement Administrator at Yuan v. Hometrust Mortgage, c/o Kroll Settlement Administration LLC, PO Box 5324, New York, NY 10150-5324. Both forms may be submitted through the Settlement Website or by mail to the Settlement Administrator.

**What Are My Options?** You can do nothing, submit a Claim Form, or exclude yourself from the Settlement. If you do nothing or submit a Claim, your rights will be affected. You will not be able to sue Hometrust in a future lawsuit about the claims addressed in the Settlement. If you exclude yourself, you will not receive the listed settlement benefits, but you will keep your right to sue Hometrust in a separate lawsuit on the issues covered by the Settlement. You must contact the Settlement Administrator by mail to exclude yourself. If you do not exclude yourself, you can object to the Settlement, Class Counsel's request for Fees and Expenses, or the Settlement Class Representative's requests for Service Awards. ***All Requests for Exclusion and Objections must be postmarked or filed in person by September 11, 2023.***

**The Final Approval Hearing.** The Court will hold a Final Approval Hearing at 9 a.m. on November 17, 2023, at the United States District Court for the Western District of Texas, Austin, TX Courthouse, 501 West 5th Street, Suite 7300, Austin, TX 78701. At the Final Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court may also consider Settlement Class Counsel's request for attorneys' fees and costs of up to **one-third of the total Settlement Fund** and a Service Award of \$5,000 each to the Settlement Class Representatives that filed this lawsuit. If there are objections, the Court will consider them.

**Getting More Information.** More information, including the Settlement Agreement and other related documents, is available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com). You may access the case docket via PACER at <https://www.txwd.uscourts.gov/cmecf/> or in person at the clerk's office of the Court's physical location. You should monitor the Settlement Website or the Court's PACER website to ensure that the Final Approval date does not change.

Postage  
Required

Yuan v. Hometrust Mortgage  
c/o Kroll Settlement Administration LLC  
P.O. Box 5324  
New York, NY 10150-5324

&lt;&lt;Barcode&gt;&gt;

Class Member ID: &lt;&lt;Refnum&gt;&gt;

## Address Update

If you have an address different from where this postcard was mailed to, please write your correct address and email below and return this portion to the address provided on the other side

**DO NOT USE THIS POSTCARD TO FILE A CLAIM, AN EXCLUSION OR OBJECTION.**

Name: \_\_\_\_\_  
First Name M.I. Last Name

Street Address: \_\_\_\_\_

Street Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

# Exhibit D

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS**

**Notice of Class Action and Proposed Settlement**

*You may be entitled to receive benefits under this class action settlement.*

This Notice summarizes the proposed Settlement reached in a lawsuit entitled *Yuan v. Hometrust Mortgage, Co.*, Civil Action No. 1:22-cv-01355 in the United States District Court for the Western District of Texas (“Action”). For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) or by contacting the Settlement Administrator at 833-747-4090.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

**This Notice may affect your rights – please read it carefully.**

*A federal court authorized this Notice. This is **not** a solicitation from a lawyer.*

- The Action alleges that as the result of a cyberattack by an unauthorized third party to certain computer systems of Hometrust Mortgage (“Hometrust”), personal information by Hometrust, including names, Social Security numbers, dates of birth, Social Security, or individual tax information and other information may have been compromised in or around July of 2022 (the “Incident”). Hometrust maintains that it has meritorious defenses, and it was prepared to vigorously defend the Action but encourages all persons who qualify as members of the Settlement Class to participate in the Settlement. The Settlement is not an admission of wrongdoing or an indication that Hometrust has violated any laws.
- If your information was potentially compromised in the Incident, you are a Settlement Class Member.
  - **All Settlement Class Members shall have the option to sign-up for one (1) year of free credit monitoring and identity restoration services, regardless of any prior credit monitoring enrollment.**
  - **Any Settlement Class Member may submit a Claim for reimbursement for documented Economic Losses related to the Incident that have not been reimbursed by other third parties. Economic Losses shall be deemed fairly traceable to the Data Breach if (i) the alleged wrongdoing occurred in or around July of 2022 or thereafter, (ii) the Settlement Class Member executes a statement signed under penalty of perjury indicating that the Economic Losses claimed are fairly traceable to the Incident, (iii) the alleged wrongdoing involved misuse of the type of personal information inadvertently disclosed in the Incident (i.e., name, address, Social Security number, date of birth, etc.), and (iv) the Settlement Administrator determines by a preponderance of evidence that it is fairly traceable to the Incident.**
  - **Any Settlement Class Member may submit a Claim for reimbursement of Attested Time up to ten (10) hours at forty dollars (\$40) per hour, for a maximum of \$400 per individual. Settlement Class Members can receive reimbursement for Attested Time with a brief description of the actions taken in response to the Data Security Incident and the time associated with each action.**
  - **In the alternative to a Claim for Economic Losses or Attested Time, any Settlement Class Member may instead elect to receive a Settlement Payment in cash of \$50.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A REIMBURSEMENT FORM</b>  <b>DEADLINE: SEPTEMBER 11, 2023</b>	This is the only way for Settlement Class Members to request reimbursement of Economic Losses related to the Incident and receive one year of free credit monitoring. If you submit a Reimbursement Form, you will give up the right to sue Hometrust in a separate lawsuit about the claims this Settlement resolves.
<b>SUBMIT A CASH PAYMENT FORM</b>  <b>DEADLINE: SEPTEMBER 11, 2023</b>	This is the only other way for Settlement Class Members to submit a Claim for money that is not related to Economic Losses or Attested Time related to the Incident and receive one year of free credit monitoring. If you submit a Cash Payment Form, you will give up the right to sue Hometrust in a separate lawsuit about the claims this Settlement resolves.
<b>DO NOTHING</b>	Unless you exclude yourself, you are automatically part of this Settlement. You will not receive anything from the settlement unless you submit a Claim Form, and you will still give up the right to sue, continue to sue, or be part of another lawsuit against Hometrust about the legal claims resolved by this Settlement.
<b>EXCLUDE YOURSELF</b>  <b>DEADLINE: SEPTEMBER 11, 2023</b>	You will not receive any benefits from the Settlement, but you will not be bound by the terms of the Settlement, if approved by the Court.
<b>OBJECT</b>  <b>DEADLINE: SEPTEMBER 11, 2023</b>	If you do not exclude yourself from the Settlement Class, you may object to the Settlement or to Class Counsel's or the Class Representatives' requests for Class Counsel Fees or Service Awards, respectively.
<b>GO TO A HEARING ON NOVEMBER 17, 2023</b>	You may object to the Settlement and ask the Court for permission to speak at the Fairness Hearing about your objection.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court still must decide whether to approve the Settlement. No benefits will be provided, or payments made until after the Court grants final approval of the Settlement and all appeals, if any, are resolved.

QUESTIONS? READ ON AND VISIT [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com)

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## **BASIC INFORMATION**

### **Why is this Notice being provided?**

This Class Notice is provided pursuant to an order issued by the Court to inform you of the proposed Settlement and the Final Approval Hearing to be held by the Court to consider, among other things, (a) whether the Settlement is fair, reasonable and adequate and should be approved; and (b) Class Counsel's request for Class Counsel Fees and Expenses and the Class Representatives' request for a Service Award. This Class Notice explains the nature of the lawsuit, the general terms of the proposed Settlement (including the benefits available), and your legal rights and obligations. This Class Notice is not an expression of any opinion by the Court as to the merits of the claims or defenses asserted in the Action.

Judge Lee Yeakel of the United States District Court for the Western District of Texas is overseeing this action, which is known as *Yuan v. Hometrust Mortgage*, Civil Action No. 1:22-cv-01355 ("Action"). The persons that filed the lawsuit are called the "Plaintiffs." Hometrust Mortgage is the "Defendant."

### **What is this Action about?**

The Action alleges that as the result of a cyberattack by an unauthorized third party to certain computer systems of Hometrust Mortgage ("Hometrust"), personal information by Hometrust, including names, Social Security numbers, dates of birth, Social Security, or individual tax information and other information may have been compromised in or around July of 2022 (the "Incident").

Plaintiffs claim that Hometrust did not adequately protect personal information and that as a result of the Incident people were harmed. Hometrust denies any wrongdoing and that its actions have resulted in any harm to any individuals. No court or other entity has made any judgment or other determination of any wrongdoing or that any law has been violated.

### **Why is this a class action?**

In a class action, one or more people called "Class Representatives" sue on behalf of themselves and other people with similar claims. The Plaintiff (Connie Yuan), together with the people she represents, are called Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those people who timely exclude themselves from the Settlement Class. In this case, the Class Representative is Connie Yuan.

### **Why is there a Settlement?**

The Court has not decided in favor of Plaintiff or Hometrust. Instead, both sides agreed to a settlement. Settlement avoids the costs and uncertainty of trial and related appeals, while providing benefits to members of the Settlement Class. The Class Representative and attorneys for the Settlement Class ("Settlement Class Counsel") believe the Settlement is in the best interests of the Settlement Class Members.

## WHO IS IN THE SETTLEMENT

### How do I know if I am part of the Settlement?

You are included in the Settlement Class if you are a member of the following:

All persons whose personal information was potentially exposed to unauthorized access as a result of an Incident affecting Defendant's computer network that occurred in or around July of 2022.

### What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class, or have any other questions about the Settlement, call the toll-free number, (833) 747-4090. You also may write with questions to: Yuan v. Hometrust Mortgage, c/o Kroll Settlement Administration LLC, PO Box 5324, New York, NY 10150-5324 or go to [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com).

## THE SETTLEMENT BENEFITS

### What benefits does the Settlement provide?

Hometrust will provide Settlement Class Members the following benefits under the Settlement: (1) the ability to immediately enroll in credit monitoring and identity restoration services for one (1) year; (2) reimbursement of documented Economic Losses which are: (a) related to the Incident; (b) not otherwise reimbursable by another third party; (c) supported by required documentation; and (d) meets all requirements set forth in the Reimbursement Form and the Settlement Agreement; (3) Reimbursement of Attested Time up to ten (10) hours at forty dollars (\$40) per hour, for a maximum of \$400 per individual provided that the claim contains (a) a brief description of the actions taken in response to the Data Security Incident and (b) the time associated with each action; or (4) in the alternative to reimbursement of Economic Losses or Attested Time, a Cash Payment of fifty dollars (\$50).

Complete details regarding the settlement benefits are available in the Settlement Agreement, which is available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com).

### Tell me more about enrollment in the Credit Monitoring plan.

All Settlement Class Members affected by the Incident are entitled to enroll in free credit monitoring and identity restoration services ("Credit Services") provided by Equifax for a period of one (1) year, which will begin upon timely activation by the Class Member.

### **Credit Services Include:**

- Credit Monitoring: Credit monitoring of Class Members' credit file for U.S. residents at all 3 major credit reporting agencies;
- Fraud Alerts
- Identity Restoration Services: Provide professional fraud resolution assistance to Class Members who experience identity theft or fraud. This includes assistance with disputing transactions, implementing fraud alerts, negotiating with banks, creditors, the IRS and other third parties, and preparing paperwork.

Credit Services provided by Equifax are available to all Settlement Class Members. You must submit a Claim Form to receive a unique enrollment code and related activation instructions. If you elect to receive Credit Services provided by Equifax, you must timely enroll using the enrollment code you were mailed, by following the enrollment instructions accompanying the code. If you have any questions regarding enrollment in the Credit Services, you may contact Equifax as indicated in the letter containing your enrollment code, or you may contact the Settlement Administrator.

**Tell me more about reimbursement of Economic Losses.**

**Reimbursement of Documented Economic Losses.** Any Settlement Class Member may submit a Claim for reimbursement for documented Economic Losses related to the Incident that have not been reimbursed by other third parties. Any Settlement Class Member whose Reimbursement Claim is rejected for failure to submit a claim within the required time period may not submit a Claim for reimbursement under this process.

Settlement Class Members who wish to make a timely and properly supported Claim for reimbursement of Economic Losses related to the Incident must provide to the Settlement Administrator the information required to evaluate the claim, including: (a) the Claimant's name and current address; and (b) an affidavit signed under penalty of perjury indicating demonstrating (i) the Economic Losses that were suffered; (ii) the Economic Losses claimed are fairly traceable to the Incident; and (iii) the total amount claimed has not been reimbursed by any other person or entity. Economic Losses that are compensated under this Agreement are those that are reasonable and customarily incurred when responding to the type of fraud or identity theft suffered by the Settlement Class Member from the Incident.

**Tell me more about reimbursement of Attested Time.**

**Reimbursement of Attested Time.** Settlement Class Members who wish to make a timely and properly supported Claim for reimbursement of Attested Time spent in relation to the Incident must provide to the Settlement Administrator the information required to evaluation the claim, including: (a) the Claimant's name and current address; (b) a brief description of the actions taken in response to the Data Security Incident and (c) the time associated with each action.

**Tell me more about filing a Claim for Cash Payment.**

**Cash Payment.** Any Settlement Class Member who does not submit a Claim for Economic Losses or Attested Time may submit a Claim for a Cash Payment for their injury related to the Incident. Claims may be submitted electronically or in paper format. Settlement Class Members who wish to make a timely and properly supported Cash Payment related to the Incident must provide to the Settlement Administrator the information required to evaluate the claim, including: (a) the Claimant's name and current address and (b) a statement signed under penalty of perjury indicating that they are a member of the Class.

## **HOW TO GET SETTLEMENT BENEFITS**

### **How can I enroll in the Credit Services?**

To receive the Credit Services from Hometrust, any person potentially affected by the Incident including Settlement Class Members must timely enroll in the Credit Services by using the unique enrollment code and related instructions sent by mail in a letter from the Settlement Administrator following submission of a Claim Form.

### **How do I obtain reimbursement of Economic Losses related to the Incident?**

For reimbursement of documented Economic Losses related to the Incident that have not been reimbursed by Equifax or other third party, submit a Reimbursement Form and provide documentation proving the Economic Losses as described above. You can get the Reimbursement Form at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) or by calling (833) 747-4090. For the Reimbursement Form, you must read the instructions carefully, fill out the form completely, attach the required documentation, and either submit the form and documentation through the Settlement Website, or mail the form postmarked no later than **September 11, 2023**, to:

Yuan v. Hometrust Mortgage  
Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324

If you have questions about how to file a Claim, call (833) 747-4090 or go to [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com).

### **How do I obtain reimbursement of Non-Economic Injury related to the Incident?**

For reimbursement of Non-Economic Injury related to the Incident that have not been reimbursed by Equifax or other third party, the remaining of the \$700,000 will be distributed on a pro rata basis after the payment of administration, attorneys' fees and expenses, to those who submit a Claim Form as described above. The current estimate is that each claiming Settlement Class Member will receive \$50. You can get the Claim Form at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) or by calling (833) 747-4090. For each Reimbursement Form, you must read the instructions carefully, fill out the form completely, attach the required documentation, and either submit the form and documentation through the Settlement Website, or mail the form postmarked no later than **September 11, 2023**, to:

Yuan v. Hometrust Mortgage Company  
c/o Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324

If you have questions about how to file a Claim, call (833) 747-4090 or go to [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com).

### **When will I receive my reimbursement payment under the Settlement?**

If you file a timely and valid Claim Form and submit required documentation, the Settlement Administrator will evaluate your Claim to confirm your eligibility and calculate your payment amount. The Settlement Administrator will notify you of any deficiencies with respect to your claim. The Settlement Administrator will then issue a final decision on your Claim.

Please ensure you provide a current, valid email address with your Claim submission. If the email address you include with your Claim Form changes or becomes invalid for any reason, it is your responsibility to provide accurate contact information to the Settlement Administrator.

Payments for valid Claims will not be made until after the Settlement is finally approved and all appeals and other reviews have been exhausted.

### **What am I giving up as part of the Settlement?**

Unless you exclude yourself, you cannot sue Hometrust or be part of any lawsuit against Hometrust about any of the issues in this Action. Unless you exclude yourself, all of the decisions by the Court will bind you. The specific claims you are giving up are described in Paragraph 9 of the Settlement Agreement. You will be releasing your claims against Hometrust and all related people as described in Paragraph 9.

The Settlement Agreement is available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) or by calling (833) 747-4090. The Settlement Agreement describes the Released Claims with specific descriptions, so please read it carefully. If you have any questions about what this means, you can talk to Settlement Class Counsel, or you can talk to your own lawyer at your own expense.

## **THE LAWYERS REPRESENTING YOU**

### **Do I have a lawyer in the case?**

Yes, you do have a lawyer in the case. The Court appointed the law firms of Meyer Wilson, Turke & Strauss LLP, and Kendall Law Group to represent you and the Settlement Class. These firms are called “Settlement Class Counsel.” You will not be charged by these lawyers for their work on this case. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **How will the lawyers be paid?**

Class Counsel will ask the Court for Hometrust to pay for reasonable attorneys’ fees and expenses of up to **one-third of the total Settlement Fund**, and a Class Representative Service Award not to exceed \$5,000 for Plaintiff. The Court will decide the amount of attorneys’ fees, expenses, and Service Awards. Any attorneys’ fees, expenses, and Service Awards approved will be paid by Hometrust and will not reduce the benefits provided to you or the other Settlement Class Members under the proposed Settlement.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

### **What does it mean to exclude myself from the Settlement?**

If you want to keep the right to sue or continue to sue Hometrust about the legal claims in this case, you must take steps to exclude yourself from the Settlement Class. Excluding yourself is also called “opting out” of the Settlement.

### **If I exclude myself, can I get anything from this Settlement?**

If you exclude yourself, you cannot get anything from the Settlement. If you exclude yourself, you may not apply for any benefits under the proposed Settlement and you cannot object to the proposed Settlement.

### **If I do not exclude myself, can I sue later?**

No. If you do not exclude yourself, you cannot sue later. Unless you exclude yourself, you give up the right to sue Hometrust for all of the claims that this proposed Settlement resolves.

### **How do I exclude myself from the Settlement?**

To exclude yourself from the proposed Settlement, you must timely submit, by U.S. Mail, written notice of your intent to opt-out of the Settlement to the Settlement Administrator’s designated address established for opt-outs. The written notice must clearly manifest your intent to be excluded from the Settlement Class in *Yuan v. Hometrust Mortgage*, Civil Action No. 1:22-cv-01355 in the United States District Court for the Western District of Texas, and must be signed by you. You can only request exclusion for yourself: you cannot request to exclude any other member of the Settlement Class. Mass opt-outs are not permitted.

To be effective, written notice must be postmarked by September 11, 2023 and mailed to:

Yuan v. Hometrust Mortgage  
c/o Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324

You cannot ask to be excluded on the phone, by email, or on the Website.

## **OBJECTING TO THE SETTLEMENT**

### **How do I tell the Court if I do not like the Settlement?**

If you are a Settlement Class Member, you can object to or comment on the Settlement, Settlement Class Counsel’s request for attorneys’ fees and expenses, and/or the Settlement Class Representative’s request for Service Awards. To object, you must state in writing that you object to the Settlement, and include the following information in your written objection:

1. The name of the Action;
2. Your full name, mailing address, telephone number, and e-mail address;
3. A statement of the basis on which you claim to be a Settlement Class Member;
4. A written statement of all grounds for your objection, accompanied by any legal support for the objection, and any evidence you wish to introduce in support of the objection;
5. The identity of all counsel, if any, representing you, including any former or current counsel who may claim entitlement to compensation for any reason related to the objection to the Settlement or the Fee Application;
6. A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing and the identification of any counsel representing you who intends to appear at the Final Approval Hearing;
7. A list of any persons who will be called to testify at the Final Approval Hearing in support of the objection;
8. A list by case name, court, and docket number, of all other cases in which you (directly or through counsel) have filed an objection to any proposed class action settlement within the last 3 years;
9. A list by case name, court, and docket number, of all other cases in which your counsel (on behalf of any person or entity ) has filed an objection to any proposed class action settlement within the last 3 years;
10. A list by case name, court, and docket number, of all other cases in which you have been a named plaintiff in any class action or served as a lead plaintiff or class representative; and
11. Your signature signed under oath and penalty of perjury and the signature of your duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation). If legally incapacitated, the signature of your duly authorized representative (along with documentation setting forth such legal incapacitation and representation).

Failure to include this information may be grounds for the Court to disregard your objection.

To submit an objection, send a letter to the Court either by: (a) mailing it to the Clerk of the Court, United States District Court for the Western District of Texas, Austin, TX Courthouse, 501 West 5th Street, Suite 7300, Austin, TX 78701 or; (b) filing the objection in person at Clerk of the Court, United States District Court for the Western District of Texas, Austin, TX Courthouse, 501 West 5th Street, Suite 7300, Austin, TX 78701. Mailed objections must be filed or postmarked on or before the Objection Deadline, which is September 11, 2023.



### **What is the difference between objecting and asking to be excluded?**

You can object to the Settlement when you wish to remain a Settlement Class Member and be subject to the Settlement but disagree with some aspect of the Settlement. An objection allows your views to be heard in Court.

Excluding yourself from the Settlement Class means that you are no longer a Settlement Class Member and do not want the Settlement to apply to you. Once you are excluded, you lose the right to receive any benefits from the Settlement or to object to any aspect of the Settlement because the case no longer affects you.

## **FINAL APPROVAL HEARING**

### **When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Final Approval Hearing at 9:00 a.m., on November 17, 2023, at the United States District Court for the Western District of Texas, Austin, TX Courthouse, 501 West 5<sup>th</sup> Street, Suite 7300, Austin, TX 78701. At the Final Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court may also consider Class Counsel's request for Attorneys' Fees and Expenses, and the Service Awards. If there are objections, the Court will consider them. After the Final Approval Hearing, the Court will decide whether to approve the proposed Settlement and how much to award to Class Counsel as fees and expenses, and the service award. You do not need to attend.

The Final Approval Hearing may be moved to a different date or time without additional notice, so if you wish to attend, it is recommended that you periodically check [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) to confirm the date of the Final Approval Hearing. You may access the case docket via PACER at <https://www.txwd.uscourts.gov/cmecf/> or in person at the clerk's office of the Court's physical location. You should monitor the Settlement Website or the Court's PACER website to ensure that the final approval date does not change.

### **Do I have to come to the hearing?**

You do not have to attend the hearing. Class Counsel will answer any questions the Court may have. However, you are welcome to attend the hearing at your own expense. If you submit a written objection, you do not have to come to the Fairness Hearing to raise your objection. As long as you timely mailed your written objection, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but their attendance is not necessary.

### **May I speak at the hearing?**

Yes, you may speak at the hearing. If you would like to do so, you must indicate your intent to personally appear and/or testify at the Final Approval Hearing, and identify any counsel representing you who intends to appear at the Final Approval Hearing, when providing written notice of your objection as noted above regarding how to object to the Settlement. You cannot speak at the hearing if you exclude yourself from the Settlement.



## **IF YOU DO NOTHING**

### **What happens if I do nothing at all?**

If you are a Settlement Class Member and you otherwise do nothing, you will be legally bound by the Settlement, but you will not receive any benefits related to the Incident. You will not be able to bring a lawsuit, continue a lawsuit, or be a part of any other lawsuit against Hometrust about the claims in this case.

If you would like to request benefits under the Settlement, you must follow the instructions described above.

## **GETTING MORE INFORMATION**

### **How do I get more information about the proposed Settlement?**

This Notice summarizes the proposed Settlement. More details are included in the Settlement Agreement. You can get a copy of the Settlement Agreement at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com). You also may write with questions to the Settlement Administrator, at Yuan v. Hometrust Mortgage Company, c/o Kroll Settlement Administration LLC, PO Box 5324, New York, NY 10150-5324. You can access Claim Forms and review additional documents on the Settlement Website. You can also request to receive Claim Forms, a copy of the Settlement Agreement, and a detailed notice by mail by calling the toll-free number, (833) 747-4090.

# Exhibit E

*Yuan v. Hometrust Mortgage*

Civil Action No. 1:22-cv-01355

(United States District Court for the Western District of Texas)

**REIMBURSEMENT FORM**

Eligible Settlement Class Members may submit a Claim for reimbursement for documented Economic Losses related to the Incident that have not been reimbursed by other third parties, or Attested Time spent in response to the Incident. Any Settlement Class Member may also sign up for credit monitoring in addition to reimbursement for documented Economic Losses or Attested Time.

Additional information is contained in the Notice and the Settlement Agreement, both of which are available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) or by calling (833) 747-4090.

Settlement Class Members who wish to make a timely and properly supported Claim for reimbursement of Economic Losses related to the Incident must provide to the Settlement Administrator the information required to evaluate the Claim, including: (a) the Claimant's name and current address; and (b) an affidavit signed under penalty of perjury demonstrating (i) the Economic Losses that were suffered; (ii) the Economic Losses claimed are fairly traceable to the Incident; and (iii) the total amount claimed has not been reimbursed by any other person or entity. Economic Losses that are compensated under this Agreement are those that are reasonable and customarily incurred when responding to the type of fraud or identity theft suffered by the Settlement Class Member from the Incident.

Settlement Class Members who wish to make a timely and properly supported Claim for reimbursement of Attested Time spent in relation to the Incident must provide to the Settlement Administrator the information required to evaluate the claim, including: (a) the Claimant's name and current address; (b) a brief description of the actions taken in response to the Data Security Incident and (c) the time associated with each action. Reimbursement of Attested Time is up to ten (10) hours at forty dollars (\$40) per hour, for a maximum of \$400 per individual.

Settlement Class Members who wish to receive Credit Monitoring related to the Incident must provide the Settlement Administrator the information required to evaluate the Claim, including: (a) the Claimant's name and current address; and (b) a statement signed under penalty of perjury indicating that they are a member of the Class. **YOU DO NOT HAVE TO SHOW ANY FINANCIAL LOSS TO OBTAIN CREDIT MONITORING UNDER THIS SETTLEMENT.**

Settlement Class Members must submit all documentation along with the form required below through the Settlement Website, or by mailing it to the following address:

Yuan v. Hometrust Mortgage Company  
Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324

If you have any questions, call (833) 747-4090 or go to [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) for more information.

**Deadline:** All Claims must be submitted to the Settlement Administrator on or before **September 11, 2023.**



**CLAIMANT INFORMATION**

Class Member ID : **7 2 7 5 6** \_\_\_\_\_

\_\_\_\_\_  
First Name MI Last Name

\_\_\_\_\_  
Mailing Address (Street, PO Box, Suite or Office Number)

\_\_\_\_\_  
City State Zip Code

**ADDITIONAL INFORMATION**

Last Four Digits of Social Security Number (required): \_\_\_\_\_

Email Address (optional): \_\_\_\_\_@\_\_\_\_\_

Telephone Number (optional): ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

☐ **OPTION 1:ECONOMIC LOSSES**

I declare under penalty of perjury that:

- ☐ The Economic Loss I have claimed on this form is related to the Incident; and
- ☐ The total amount claimed has not been reimbursed by any other third party.

Only one (1) form is needed for multiple losses incurred from the Incident.

**Amount Requested:** \$ \_\_\_\_\_, \_\_\_\_\_ . \_\_\_\_\_

**An affidavit must be submitted to support your exact claim amount.**



This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

I declare under penalty of perjury that:

Only one (1) form is needed for all Attested Time incurred from the Incident.

**An affidavit must be submitted to support your exact claim amount.**

[illegible]

All Settlement Class Members who submit a valid and timely Claim Form are eligible to receive one year (1) of credit monitoring provided by Equifax. If you wish to enroll in one year (1) of free credit monitoring, select below:

I declare under penalty of perjury that:

72756

  
CF

Page 4 of 5

\_\_\_\_\_  
Signature

\_\_\_\_/\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

Your Claim will be submitted to the Settlement Administrator for review. If your Reimbursement Form is incomplete, untimely, or contains false information, it may be rejected by the Settlement Administrator. If your Claim is approved, you will be issued a payment and an activation code to enroll in credit monitoring. This process takes time; please be patient.

**REIMBURSEMENT FORMS MUST BE POSTMARKED NO LATER THAN SEPTEMBER 11, 2023. TO BE ELIGIBLE FOR PAYMENT. FILE ONLINE AT [WWW.PRIVACYBREACHSETTLEMENT.COM](http://WWW.PRIVACYBREACHSETTLEMENT.COM) OR MAIL THIS CLAIM FORM TO YUAN V. HOMETRUST MORTGAGE, C/O KROLL SETTLEMENT ADMINISTRATION LLC, PO BOX 5324, NEW YORK, NY 10150-5324**

**CASH PAYMENT FORM**

Any Settlement Class Members may submit a Claim for a Cash Payment of \$50 with the option of enrolling in one year (1) free credit monitoring. Any Settlement Class Member who did not submit a reimbursement for Economic Losses or Attested Time may submit a Claim for a Cash Payment of \$50. **YOU DO NOT HAVE TO SHOW ANY FINANCIAL LOSS TO MAKE A CLAIM FOR A CASH PAYMENT OR OBTAIN CREDIT MONITORING UNDER THIS SETTLEMENT.**

Additional information is contained in the Notice and the Settlement Agreement, both of which are available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) or by calling (833) 747-4090.

Settlement Class Members who wish to make a timely Cash Payment and receipt of Credit Monitoring related to the Incident must provide to the Settlement Administrator the information required to evaluate the Claim, including: (a) the Claimant's name and current address; and (b) a statement signed under penalty of perjury indicating that they are a member of the Class.

Settlement Class Members must submit this documentation along with the form required below through the Settlement Website, or by mailing it to the following address:

Yuan v. Hometrust Mortgage  
c/o Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324

If you have any questions, call (833) 747-4090 or go to [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com) for more information.

**Deadline:** All Claims must be submitted to the Settlement Administrator on or before **September 11, 2023.**



**CLAIMANT INFORMATION**

Class Member ID : **7 2 7 5 6** \_\_\_\_\_

\_\_\_\_\_  
First Name MI Last Name

\_\_\_\_\_  
Mailing Address (Street, PO Box, Suite or Office Number)

\_\_\_\_\_  
City State Zip Code

**ADDITIONAL INFORMATION**

Last Four Digits of Social Security Number (required): \_\_\_\_\_

Email Address (optional): \_\_\_\_\_@\_\_\_\_\_

Telephone Number (optional): ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**CREDIT MONITORING**

All Settlement Class Members who submit a valid and timely Claim Form are eligible to receive one year (1) of credit monitoring provided by Equifax. If you wish to enroll in one year (1) of free credit monitoring, select below:

☐ I would like to receive one year (1) of free credit monitoring provided by Equifax.

I declare under penalty of perjury that:

☐ I provided my personal information to Hometrust Mortgage, and therefore I am a Settlement Class Member.



6663100000000

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Signature

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\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

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Print Name

Your Claim will be submitted to the Settlement Administrator for review. If your Cash Payment Form is incomplete, untimely, or contains false information, it may be rejected by the Settlement Administrator. If your Claim is approved, you will be issued a payment and an activation code to enroll in credit monitoring. This process takes time; please be patient.

CLAIM FORMS MUST BE POSTMARKED NO LATER THAN SEPTEMBER 11, 2023 TO BE ELIGIBLE FOR PAYMENT OR RECEIPT OF CREDIT MONITORING SERVICES. FILE ONLINE AT [WWW.PRIVACYBREACHSETTLEMENT.COM](http://WWW.PRIVACYBREACHSETTLEMENT.COM) OR MAIL THIS CLAIM FORM TO

Yuan v. Hometrust Mortgage  
c/o Kroll Settlement Administration LLC  
PO Box 5324  
New York, NY 10150-5324



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Page 3 of 3

# Exhibit F

From: Kroll Settlement Administration  
To:

Subject: Yuan v. Hometrust Mortgage Co. Settlement Notification

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Class Member ID: <<Refnum>>

**You are a person who may have been impacted by an Incident in the United States affecting Hometrust Mortgage that occurred in or around July of 2022**

***A FEDERAL COURT AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.***

**Why did I get this Notice?** A class action Stipulation and Agreement (“Settlement Agreement”) has been reached in a lawsuit entitled *Yuan v. Hometrust Mortgage, Co.*, Civil Action No. 1:22-cv-01355 in the United States District Court for the Western District of Texas. The lawsuit alleges that as the result of a cyberattack by an unauthorized third party to certain computer systems of Hometrust Mortgage (“Hometrust”), personal information, including names, Social Security numbers, dates of birth, or individual tax information and other information may have been compromised in or around July of 2022 (the “Incident”). Hometrust maintains that it has meritorious defenses, and it was prepared to vigorously defend the lawsuit but encourages all persons who qualify as members of the Settlement Class to participate in the Settlement.

**Who Is Included?** Hometrust records indicate you are included in the Settlement as a Settlement Class Member because your information may have been involved in the Incident.

**What are the Settlement Benefits?**

- All Settlement Class Members shall have the option to sign-up for a year of free credit monitoring and identity restoration services. All Settlement Class Members who submit a valid and timely Claim Form are eligible to receive one year (1) of credit monitoring provided by Equifax, regardless of any prior credit monitoring enrollment.
- Any Settlement Class Member may submit a Claim for reimbursement for documented Economic Losses related to the Incident that have not been reimbursed by other third parties. Economic Losses shall be deemed fairly traceable to the Data Breach if (i) the alleged wrongdoing occurred in or around July of 2022 or thereafter, (ii) the Settlement Class Member executes a statement signed under penalty of perjury indicating that the Economic Losses claimed are fairly traceable to the Incident, (iii) the alleged wrongdoing involved misuse of the type of personal information inadvertently disclosed in the Incident (i.e., name, address, Social Security number, date of birth), and (iv) the Settlement Administrator determines by a preponderance of evidence that it is fairly traceable to the Incident.
- Any Settlement Class Member may submit a Claim for reimbursement of Attested Time up to ten (10) hours at forty dollars (\$40) per hour, for a maximum of \$400 per individual. Settlement Class Members can receive reimbursement for Attested Time with a brief description of the actions taken in response to the Data Security Incident and the time associated with each action.
- In the alternative to a Claim for Economic Losses or Attested Time, any Settlement Class Member may instead elect to receive a settlement payment in cash of \$50.

**How Do I Receive Settlement Benefits?** To receive the settlement benefits, Settlement Class Members must submit a Claim Form to the Settlement Administrator by September 11, 2023. The forms are available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com), by calling (833) 747-4090, or by writing to the Settlement Administrator at Yuan v. Hometrust Mortgage, c/o Kroll Settlement Administration LLC, PO Box 5324, New York, NY 10150-5324. Both forms may be submitted through the Settlement Website or by mail to the Settlement Administrator.

**What Are My Options?** You can do nothing, submit a Claim Form, or exclude yourself from the Settlement. If you do nothing or submit a Claim, your rights will be affected. You will not be able to sue Hometrust in a future lawsuit about the claims addressed in the Settlement. If you exclude yourself, you will not receive the listed settlement benefits, but you will keep your right to sue Hometrust in a separate lawsuit on the issues covered by the Settlement. You must contact the Settlement Administrator by mail to exclude yourself. If you do not exclude yourself, you can object to the Settlement, Class Counsel's request for Fees and Expenses, or the Settlement Class Representative's requests for Service Awards. *All Requests for Exclusion and Objections must be postmarked or filed in person by September 11, 2023.*

**The Final Approval Hearing.** The Court will hold a Final Approval Hearing at 9 a.m. on November 17, 2023, at the United States District Court for the Western District of Texas, Austin, TX Courthouse, 501 West 5th Street, Suite 7300, Austin, TX 78701. At the Final Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court may also consider Settlement Class Counsel's request for attorneys' fees and costs of up to **one-third of the total Settlement Fund** and a Service Award of \$5,000 each to the Settlement Class Representatives that filed this lawsuit. If there are objections, the Court will consider them.

**Getting More Information.** More information, including the Settlement Agreement and other related documents, is available at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com). You may access the case docket via PACER at <https://www.txwd.uscourts.gov/cmecf/> or in person at the clerk's office of the Court's physical location. You should monitor the Settlement Website or the Court's PACER website to ensure that the Final Approval date does not change.

# Exhibit G

*Yuan v Hometrust Mortgage*  
c/o Kroll Settlement Administration LLC  
P.O. Box 5324  
New York, NY 10150-5324

September 28, 2023

<<Refnum barcode>>

**Class Member ID:** <<Refnum>>

<<First Name>> <<Last Name>>

<<Address 1>>

<<Address 2>>

<<City>>, <<State>> <<Zip>>

**Notice of Missing or Inaccurate Information**

Re: *Yuan v Hometrust Mortgage, Co. Settlement*

Dear <<First Name>> <<Last Name>>:

We received the Claim Form you submitted in connection with the *Yuan v Hometrust Mortgage, Co.* However, after review, your Claim Form was deemed deficient.

Some common reasons for deficient forms include:

- Missing documentation
- Partial information and sections
- Incomplete claim form
- Information provided does not match Class Member records

To obtain reimbursement of Economic Losses related to the Incident and/or receive one year of free credit monitoring, you must fully complete, sign and return your claim form to the address above with a postmark on or before **October 12, 2023**. The Settlement Claim Forms can be found on the Settlement website at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com).

For reimbursement of Economic Losses related to the Incident, you must provide to the Settlement Administrator the information required to evaluate the Claim, including: (a) the Claimant's name and current address; and (b) an affidavit signed under penalty of perjury demonstrating (i) the Economic Losses that were suffered; (ii) the Economic Losses claimed are fairly traceable to the Incident; and (iii) the total amount claimed has not been reimbursed by any other person or entity.

For reimbursement of Attested Time spent in relation to the Incident, you must provide to the Settlement Administrator the information required to evaluate the claim, including: (a) the Claimant's name and current address; (b) a brief description of the actions taken in response to the Data Security Incident and (c) the time associated with each action.

For Cash Payment of \$50 and the option to receive Credit Monitoring related to the Incident, you must provide to the Settlement Administrator the information required to evaluate the Claim, including: (a) the Claimant's name and current address; and (b) a statement signed under penalty of perjury indicating that they are a member of the Class.

**Please note, you do not have to show any financial loss to make a Claim for cash payment or to obtain credit monitoring under this Settlement.**

If you have questions regarding the required documentation, please contact us via the Contact Us section of the Settlement Website at [www.privacybreachsettlement.com](http://www.privacybreachsettlement.com), or by calling the toll-free number (833) 747-4090.

Regards,

Kroll Settlement Administration LLC



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Page 1 of 1

# Exhibit H



### **Exclusion List**

<b>Count</b>	<b>Record Identification Number</b>
1	727561FH0G87H